

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAMMY LEWIS, et al.,

Plaintiffs,

v.

Case No. 09-11059-DT

DR. PAUL DROUILLARD, et al.,

Defendants.

**ORDER GRANTING IN PART MOTION FOR LIMITED STAY AND SETTING
BRIEFING SCHEDULE**

Before the court are two pending motions for a stay: a May 22, 2009 motion to stay filed by Defendant United Parcel Service, Inc., in which Plaintiffs concur, and a June 9, 2009 motion to stay filed by Defendant Dr. Paul Drouillard. The motions have been fully briefed and the court concludes a hearing is unnecessary. See E.D. Mich. LR 7.1(e)(2). The court has reviewed the briefs and determines that a stay would conserve the resources of counsel and this court, as well as generally serve the interests of justice. Thus, the court will grant the motions and issue a limited stay pending the resolution of *Brown v. Cassens Transp. Co.*, 546 F.3d 347 (6th Cir. 2008), *petition for cert. filed* May 6, 2009. The stay will be imposed on all issues, except that the court will allow Defendant Drouillard to file a limited motion under Federal Rule of Civil Procedure 12(b)(6). Accordingly,

IT IS ORDERED that two pending motions to stay [Dkt. ## 18 & 23] are GRANTED IN PART and this case is STAYED pending resolution of *Brown v. Cassens*

Transp. Co., 546 F.3d 347 (6th Cir. 2008). Plaintiff is DIRECTED to notify the court immediately when the Supreme Court rules on the pending petition for certiorari.

IT IS FURTHER ORDERED that, despite the stay, Defendant Drouillard may file a limited motion under Rule 12(b)(6) on any non-RICO issue which is specific only to Defendant Drouillard.¹ Any such motion shall be filed on or before **July 20, 2009**. The parties should refer to the local rules for a briefing schedule, and this court will determine whether a hearing is necessary after receiving the motion to dismiss. See E.D. Mich. LR 7.1(e)(2).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 16, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 16, 2009, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹After the stay is lifted all parties will be allowed to file more comprehensive motions under Rule 12(b)(6) and Defendant Drouillard's pursuit of a limited motion at this point will not prejudice his, or any party's, right to file a Rule 12(b)(6) motion at a later date.